



DocId: 3382-56370 MS 158538.1

PATENT  
Attorney Reference Number 3382-56370

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bhansali et al.

Art Unit: 2184

Application No. 09/855,239

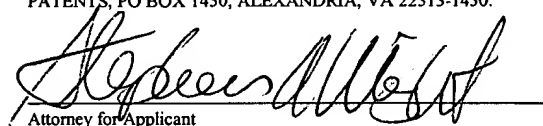
CERTIFICATE OF MAILING

Filed: May 14, 2001

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on May 21, 2003, as First Class Mail in an envelope addressed to: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

For: PLACING EXCEPTION THROWING  
INSTRUCTIONS IN COMPILED CODE

Examiner:

  
Attorney for Applicant

Date: May 21, 2003

TRANSMITTAL LETTER

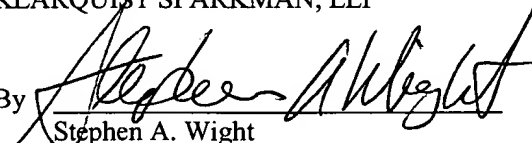
MAIL STOP PETITION  
COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

Enclosed for filing in the application referenced above are the following:

- ☒ Petition for Revival of Application
- ☒ Fee of \$1,300.00
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Stephen A. Wight  
Registration No. 37,759

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446

cc: Docketing

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OFFICE OF PETITIONS



#4

05/21/03 3382-56370 MS 158538.1

PATENT  
Attorney Reference Number: 3382-56370

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bhansali et al.

Art Unit: 2184

Application No. 09/855,239

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For: PLACING EXCEPTION THROWING  
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Examiner:

  
Attorney for Applicant

Date: May 21, 2003

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Refund Ref: 08/01/2003 AKELLEY 0000129557

## PETITION FOR REVIVAL OF APPLICATION

CHECK MAIL STOP PETITION \$1300.00

COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

A non-publication request was filed with this application. Later, and after a decision was made to file a foreign application for this invention, a "Request to Rescind Previous Non-publication Request" was filed on February 12, 2002. See "Exhibit A". The attached Exhibit A was filed according to the accepted and published PTO procedures and forms at the time of filing. See e.g., "Exhibit B", PTO/SB/36 (11-00).

Subsequent to our filing Exhibit A, the PTO adopted a new administrative interpretation and form related to 35 U.S.C. 122(b)(2)(B)(iii). See "Exhibit C," PTO/SB/36 (05-03) and "Exhibit D". Any such newly adopted administrative interpretation requiring additional explicit notice of foreign filing in addition to the original administrative interpretation and published form requiring a "Request to Rescind Previous Non-publication Request" should not apply since the approved form (Exhibit B) was used at the time of filing. Applicants respectfully submit that basic fairness would dictate acceptance of forms filed according to the prior PTO interpretation of the statute, and the new requirements should apply only to forms filed after notice of the new requirements. However, should the PTO disagree with this analysis, please accept this document as our petition to revive.

Under an interpretation that would require this petition, the above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication

Adjustment date: 08/01/2003 AKELLEY  
05/28/2003 SLUANG1 00000035 09855239  
01 FC:1453 -1300.00 OP05/28/2003 SLUANG1 00000035 09855239 1300.00 OP  
01 FC:1453

of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b).

1. Enclosed is the fee of \$1,300.00 as required under 37 CFR 1.17(m).
2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c)):

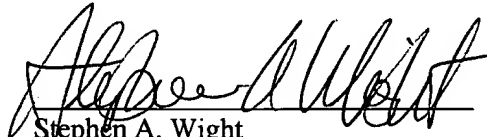
Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (*e.g.*, filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is **April 19, 2002**.

The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under CFR 1.137(b) was unintentional. Thus, please revive this application if it is determined to be abandoned under these facts.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

  
Stephen A. Wight  
Registration No. 37,759

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446

cc: Docketing  
(158538.1)



PATENT  
Attorney Reference Number 3382-56370  
Application Number 09/855,239

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bhansali et al.

Art Unit: 2181

Application No.: 09/855,239

Filed: May 14, 2001

For: PLACING EXCEPTION THROWING  
INSTRUCTIONS IN COMPILED CODE

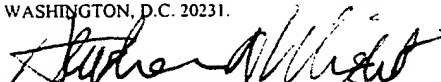
Examiner: Not yet assigned

Date: February 12, 2002

BOX PGPUB  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**CERTIFICATE OF MAILING**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on February 12, 2002 as First Class Mail in an envelope addressed to:  
BOX PGPUB, COMMISSIONER FOR PATENTS,  
WASHINGTON, D.C. 20231.

  
Stephen A. Wight, Attorney for Applicant

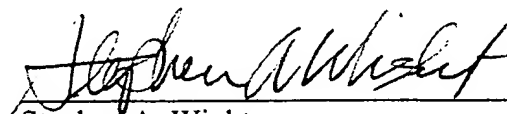
**REQUEST TO RESCIND  
PREVIOUS NONPUBLICATION REQUEST 35 U.S.C. § 122(b)(2)(B)(ii)**

This request is signed in compliance with 37 CFR § 1.33(b). The undersigned hereby **rescinds** the previous request that the application referenced above not be published under 35 U.S.C. § 122(b).

Dated: February 12, 2002

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Stephen A. Wight  
Registration No. 37,759

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446  
cc: Client (MS #158538.1)  
Docketing

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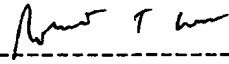
PTO/SB/36 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>REQUEST TO RESCIND PREVIOUS NONPUBLICATION REQUEST 35 U.S.C. 122(b)(2)(B)(ii)</b>	Application Number	09/879,828
	Filing Date	June 11, 2001
	First Named Inventor	Mark W. P. Dane
	Title	INTERFACE BASED DESIGN USING A TABULAR PARADIGM
	Atty Docket Number	51005.P204
	Group Art Unit	2161
	Examiner	Not Yet Assigned

I hereby rescind the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

04 Sept 01  
-----  
Date

  
-----  
Signature

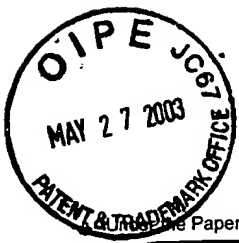
Robert T. Watt, Reg. No. 45,890  
-----  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b).

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 8 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/36 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**RESCISSION OF PREVIOUS  
NONPUBLICATION REQUEST**

(35 U.S.C. 122(b)(2)(B)(ii))

AND, IF APPLICABLE,

**NOTICE OF FOREIGN FILING**

(35 U.S.C. 122(b)(2)(B)(iii))

Send completed form to:

**Mail Stop PG Pub**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 305-8568

Application Number

Filing Date

First Named Inventor

Title

Atty Docket Number

Group Art Unit

Examiner

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby **rescind** the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

*If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).*

Date

Signature

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Telephone Number

Typed or printed name

**OFFICE OF PETITIONS****This request must be signed in compliance with 37 CFR 1.33(b).**

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at [PGPub@USPTO.gov](mailto:PGPub@USPTO.gov).

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PG Pub, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile ((703) 305-8568) transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)

Signature

Date

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





## UNITED STATES PATENT AND TRADEMARK OFFICE

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*Office of Patent Legal Administration << Pre-OG Notices << Reminder that Rescission of a Nonpublication Request is Not Itself a Notice of Foreign Filing*

35 U.S.C. § 122(b)(2)(B)(iii) provides that an applicant who has made a nonpublication request under 35 U.S.C. § 122(b)(2)(B)(i) in an application filed in the United States Patent and Trademark Office (USPTO), but who subsequently files, in a foreign country or under a multilateral international agreement that requires eighteen-month publication (hereinafter "foreign filing" or "foreign country"), an application directed to the invention disclosed in the application filed in the USPTO (hereinafter "counterpart application"), must notify the USPTO of the foreign filing not later than forty-five days after the date of such foreign filing. 35 U.S.C. § 122(b)(2)(B)(iii) further provides that failure of the applicant to provide the required notice within this forty-five-day period shall result in abandonment of the application.

Therefore, whenever a patent application is filed in the USPTO with a nonpublication request, and the applicant later files a counterpart application in a foreign country, the applicant **must** provide notice of the foreign filing within forty-five days to avoid abandonment of the application by operation of 35 U.S.C. § 122(b)(2)(B)(iii). The requirement in 35 U.S.C. § 122(b)(2)(B)(iii) for notice of the foreign filing is in addition to any rescission of the nonpublication request under 35 U.S.C. § 122(b)(2)(B)(ii). That is, if an applicant files a counterpart application in a foreign country after having filed an application in the USPTO with a nonpublication request, filing a rescission of the nonpublication request under 35 U.S.C. § 122(b)(2)(B)(ii) without also providing a notice of the foreign filing in a timely manner will result in abandonment of the United States application under 35 U.S.C. § 122(b)(2)(B)(iii).

The current USPTO form (PTO/SB/36, revision April 2001 or later) to rescind a nonpublication request also contains the foreign filing notice required by 35 U.S.C. § 122(b)(2)(B)(iii). **Applicants are strongly encouraged to use the current USPTO form (PTO/SB/36) when rescinding a nonpublication request because of a subsequent foreign filing of a counterpart application.** If an applicant merely rescinds a nonpublication request but does not also file a notice of foreign filing within forty-five days of the subsequent foreign filing of a counterpart applicant, applicant must file a petition under 37 CFR 1.137(b) to revive the abandoned United States application (37 CFR 1.137(f)).

Questions regarding petitions to revive should be directed to the Office of Petitions at (703) 305-9282. Questions regarding publication of patent applications (or rescissions of nonpublication requests) should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail [pgpub@uspto.gov](mailto:pgpub@uspto.gov).

Date: 04/11/2003

Signed: /s/  
STEPHEN G. KUNIN  
Deputy Commissioner  
for Patent Examination Policy

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